

### **REMARKS**

Applicant thanks the Examiner for total consideration given the present application. Claims 1-12 remains pending. Claims 1, 6 and 7 have been amended through this Reply. Claims 1 and 7 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

### **OBJECTION TO THE SPECIFICATION**

The title of the invention is objected to for allegedly being non-descriptive. *See Office Action, page 2.* The title has been amended as suggested in the Office Action to address this objection. Applicant respectfully requests that the objection to the specification be withdrawn.

### **OBJECTION TO THE CLAIMS**

Claims 7-12 stand objected to for minor informalities. *See Office Action, page 2.* Claims 6 and 7 have been amended as suggested in the Office Action to address this objection. Applicant respectfully requests that the objection to the claims 7-12, be withdrawn.

### **35 U.S.C. § 102 REJECTION – KIMURA ET AL.**

Claims 1-5 and 7-11 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kimura et al. (USPN 5,913,078) (hereinafter “Kimura”). Applicant respectfully traverses this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Kimura fails to teach or suggest each and every claimed element. For example, independent claim 1 recites, *inter alia*, “A photography system using a digital camera and a position detecting unit, said position detecting unit being disposed close to an object, said photography system comprising: *a first position detecting device for detecting latitude and*

*longitude coordinates of said object to generate object position data from information on said latitude and longitude coordinates of said subject; ... wherein said digital camera includes ... a second position detecting device for detecting said latitude and longitude coordinates of said digital camera to generate digital camera position data from information on said latitude and longitude coordinates of said digital camera; a calculation processor calculating camera azimuth and object distance according to said object position data and said digital camera position data ...." Emphasis added.*

Kimura teaches a digital camera 1 having a GPS receiver 2 and a gyroscope 3 as shown in FIG. 1. In an alternate embodiment as shown in FIGS. 49 the digital camera includes a first GPS receiver 232 and a second GPS receiver 244. However, both receivers reside in the camera. Kimura teaches that the second GPS receiver provide same positional information as the first GPS receiver. Kimura uses two GPS receivers to increase the accuracy of position data.

In another embodiment, Kimura teaches that the GPS receiver may be provided separately from the camera's main body as shown in FIG. 52. In the illustration, a receiver 248 acts a sensor to detect the separate GPS receiver 245. The receiver 248 uses azimuth sensor 233 and the inclination sensor 234 to provide positional information of the camera with respect the GPS receiver 245. Therefore, Kimura's teaching requires azimuth and inclination sensors.

In contrast, the instant application features "*a first position detecting device for detecting latitude and longitude coordinates of said object to generate object position data from information on said latitude and longitude coordinates of said object*" and "*a digital camera that includes a second position detecting device for detecting said latitude and longitude coordinates of said digital camera to generate digital camera position data from information on said latitude and longitude coordinates of said digital camera,*" as recited in claim 1. Furthermore, claim 1 features "*a processor for calculating camera azimuth and object distance according to said object position data and said digital camera position data.*" By using the positional information from the first and second position detecting devices, the instant application achieves calculating camera azimuth and object distance between the object and the digital camera.

However, Kimura merely teaches a camera with ***a single position GPS receiver*** to locate either the position of the camera or the position of the object. Therefore, Kimura is incapable of

calculating the camera azimuth and object distance based on two separate position data, which include the position data of the object from the first position detecting device and the position data of the camera from the second position detecting device. Instead, Kimura requires a separate azimuth and inclination sensors to acquire the camera azimuth and inclination information. Therefore, Kimura fails to teach all claimed features in claim 1. Similarly, claim 7 is directed to a method including some to the features in claim 1.

Therefore, for at least these reasons, independent claims 1 and 7 are distinguishable from Kimura. Claims 2-5 and 8-11 depend from claims 1 and 7, directly or independently. Therefore, for at least the reasons stated with respect to claims 1 and 7, claims 2-5 and 8-11 are also distinguishable from Kimura.

Accordingly, Applicant respectfully requests that the rejection of claims 1-5 and 7-11, based on Kimura, be withdrawn.

### 35 U.S.C. § 103 REJECTION – KIMURA IN VIEW OF MAKI

Claims 6 and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kimura in view of Maki (USPN 5,884,199) (hereinafter “Maki”). Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

As presented above, Kimura fails to teach or suggest features “*a first position detecting device for detecting latitude and longitude coordinates of said object to generate object position data from information on said latitude and longitude coordinates of said object*” and “*a digital camera that includes a second position detecting device for detecting said latitude and longitude coordinates of said digital camera to generate digital camera position data from information on said latitude and longitude coordinates of said digital camera,*” as recited in claim 1. Furthermore, claim 1 features “*a processor for calculating camera azimuth and object distance*

*according to said object position data and said digital camera position data.”* In addition, Maki fails to teach or suggest the above limitation to supplement Kimura’s missing feature.

As set forth on page 6 of the Office Action, the Examiner relies on Maki as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner’s reliance on Maki, however, fails to make up for the deficiencies of Kimura discussed above with respect to Claim 1. Therefore, the asserted combination of Kimura and Maki (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata Reg. No. 39,491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: January 24, 2008

Respectfully submitted,

By 

Michael R. Cammarata

Registration No.: 39,491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant